

IN RE: PETITION FOR ADMIN. VARIANCE

S/W corner Martell Avenue
and Marshall Road
12th Election District
7th Councilmanic District
(7241 Martell Avenue)

Bonnie L. & Thomas D. Leisure
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 02-243-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Bonnie L. & Thomas D. Leisure. The variance request is for property located at 7241 Martell Avenue, in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an enclosed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

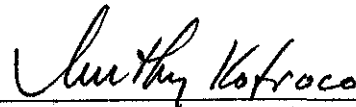
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

1/30/02
By: R. G. [Signature]
Date: [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of January, 2002, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an enclosed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

1/30/02
R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 30, 2002

Mr. & Mrs. Thomas D. Leisure
7241 Martell Avenue
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 02-243-A
Property: 7241 Martell Avenue

Dear Mr. & Mrs. Leisure:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7241 Martell Ave
which is presently zoned Dr 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3.C.1 To allow an

enclosed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

BONNIE LOU LEISURE
Name - Type or Print

Bonnie Lou Leisure
Signature

THOMAS D LEISURE
Name - Type or Print

Thomas D. Leisure
Signature

7241 Martell Ave. 410-285-2074
Address Telephone No.

BALTO MD 21222
City State Zip Code

Representative to be Contacted:

BONNIE LOU LEISURE
Name

7241 MARTELL AVE. 410-979-3689
Address Telephone No.

BALTO MD 21222
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-243-A

Reviewed By [Signature] Date 12-10-01

REV 10/25/01

Estimated Posting Date 12-23-01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7241 Martell Ave
Address
BALTO. MD 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. Variance needed for 30 foot setback
2. Husband (Thomas Leisure) has Huntington's disease & additional space is needed for wheel chair accessibility in very near future
3. My 87 year old father has dementia & extra room is needed to house him (I would like to keep him home, not in a Nursing Home).

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bonnie Lou Leisure
Signature

BONNIE LOU LEISURE
Name - Type or Print

Thomas D. Leisure
Signature

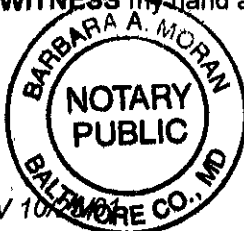
THOMAS D. LEISURE
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of November, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bonnie Lou Leisure and Thomas D. Leisure
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



BARBARA A. MORAN
Notary Public, State of Maryland
County of Baltimore
My Commission Expires May 6, 2002

Barbara A. Moran
Notary Public

My Commission Expires 5/6/02

ZONING DESCRIPTION FOR 7241 MARTELL AVENUE

BEGINNING AT A POINT ON THE SOUTH SIDE
OF MARTELL AVENUE WHICH IS 42' WIDE AT THE
DISTANCE OF 21' WEST OF THE CENTERLINE OF THE
NEAREST IMPROVED INTERSECTING STREET, MARSHALL
ROAD WHICH IS 42' WIDE, BEING LOT # 12, BLOCK C,
SECTION # A IN THE SUBDIVISION OF TALBOT PARK,
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # JWB
NO. 14, FOLIO 48 CONTAINING 5880 SQUARE FEET.
ALSO KNOWN AS 7241 MARTELL AVENUE AND LOCATED
IN THE 12TH ELECTION DISTRICT, 7TH COUNCILMANIC
DISTRICT.

243

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

00186

Case No. 02-243-4

DATE 12-10-01 ACCOUNT R-001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Bennie A. Keisire

FOR: Residential Variance Filing Fee
7241 Martell Ave.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE 12/10/2001 12/10/2001 09:27:32

TIME

RECEIPT # 230253

CASHIER RRB3 LBB TROMER

DEPT 5 528 ZONING VERIFICATION

CR NO. 000186

Receipt Tot 50.00

00 EX 50.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-243-A

Petitioner/Developer: BONNIE L.

LEISORE

Date of Hearing/Closing: 1/07/02

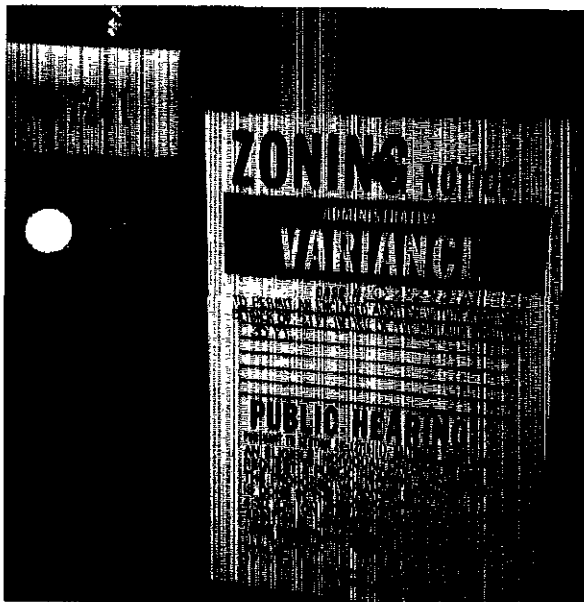
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 7241 MARTELL AVE

The sign(s) were posted on 12/23/01
(Month, Day, Year)



Sincerely,

[Signature] 12/23/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-243-A

Petitioner: Bonnie L. Leisure

Address or Location: 7241 Martell Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: Same

Balto, Md. 21222

Telephone Number: (410) 979-3689

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 02- 243 -AAddress 7241 Martell Ave.Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-10-01Posting Date: 12-23-01Closing Date: 01-07-02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 02- 243 -AAddress 7241 Martell Ave.Petitioner's Name Bonnie L. LeisoneTelephone (410) 979-3689Posting Date: 12-23Closing Date: 01-07-02

Wording for Sign: To Permit an enclosed addition with a rear yard
setback of 21 ft. in lieu of the minimum required 30 ft.

WCR - Revised 6/28/00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 23, 2002

Bonnie & Thomas Leisure
7241 Martell Avenue
Baltimore MD 21222

Dear Mr. & Mrs. Leisure:

RE: Case Number: 02-243-A, 7241 Martell Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 10, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G02
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** February 7, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2002
Item Nos. 241, 242, (243) 244, 245,
247, 248, 249, 250, 253, 254, 255,
256, 257, 258, 259, and 260

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 23, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 14 2002

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

078, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 252,
253, 254, 256, 257, 258, 259, 260, and 262


REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd Taylor 

DATE: February 13, 2002

SUBJECT: NO COMMENTS FOR ZONING ITEMS:

78, 243, 244, 245, 247, 249, 251, 253, 254, 257, 259

Zoning Advisory Committee Meeting of January 14, 2002

AV
1/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 25, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

JAN 28 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-243 & 02-256

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Ly

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.18.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 243

JJS

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Memo To The File

12/10

TO: ZC / Deputy Z.C.

From: John F. Sullivan, JR., Planner II

Subject: Variance Petition # 243
7241 Martell Ave.

MR. James FOLK came in today for the 9:00 AM Petition appointment (filing). MR. FOLK appeared for the property owners Bonnie & Thomas D. Leisure who could not attend. I informed MR. FOLK that I am accepting the paperwork but that I need at least 2 of the required photos by This Thursday, Dec. 13th. He stated that he would bring them to me. I telephoned Mrs. Leisure & informed her of same.

Plot to accompany a VARIANCE Petition

EXISTING
DWELLING
#1883

FRANKLIN
ALEXANDER

1201035445

PROPERTY ADDRESS 7241 MARTELL AVENUE
SUBDIVISION NAME TALBOT PARK
PLAT BOOK # 508 FOLIO 48 LOT # 12 SEC A

OWNER
THOMAS E

BONNIE LEASURE

LOT 13

1219093791

PROPOSED
26 X 21
ADDITION

RANDALL E
JEAN DUNCAN

1203052250

40'

EXISTING
DWELLING
#7241

EXISTING
DWELLING
#7239

LOT 12

LOT 11

MARTELL AVENUE (42' R/W 24' PAVING)

NORTH

SCALE OF DRAWING 1" = 20'

WILKINSON AVE

MARSHALL
ROAD
SUBJECT
PROPERTY
MARTELL AVENUE

DELVALE AVE

VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION:

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

111-200' MAP # SE, 3-E

ZONING DR 5.5

LOT SIZE .135 5,880

ACREAGE SQ FT

SEWER: PUBLIC

WATER: PUBLIC

100 YR FLOOD PLAIN NO

HISTORIC PROPERTY: NO

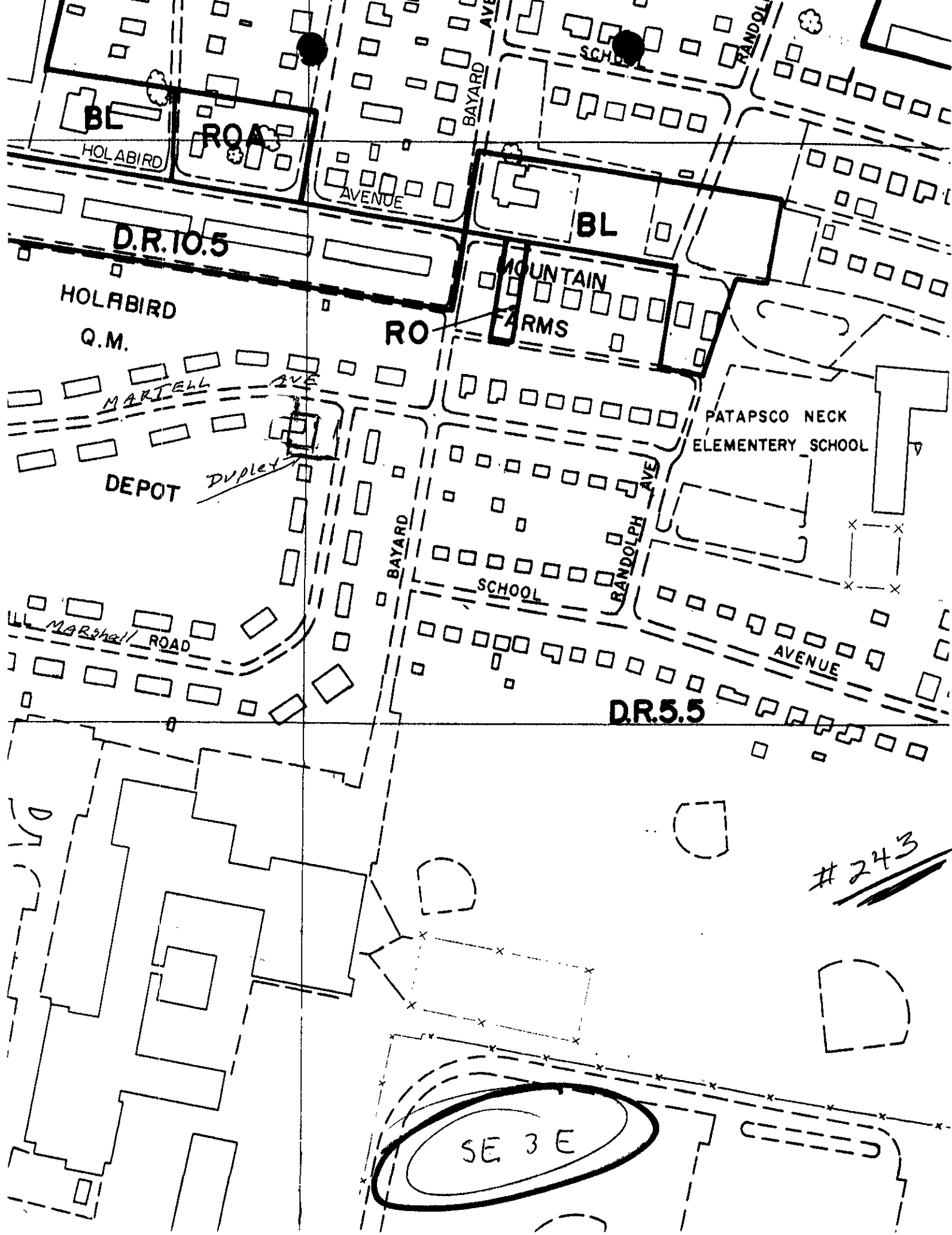
PRIOR ZONING HEARING: NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

243

Ret. Ex. #1



BL

ROAD

HOLABIRD

D.R. 10.5

HOLABIRD
Q.M.

MARTELL

DEPOT

DUPLEX

MARSHALL ROAD

RO

MOUNTAIN
FARMS

PATAPSCO NECK
ELEMENTARY SCHOOL

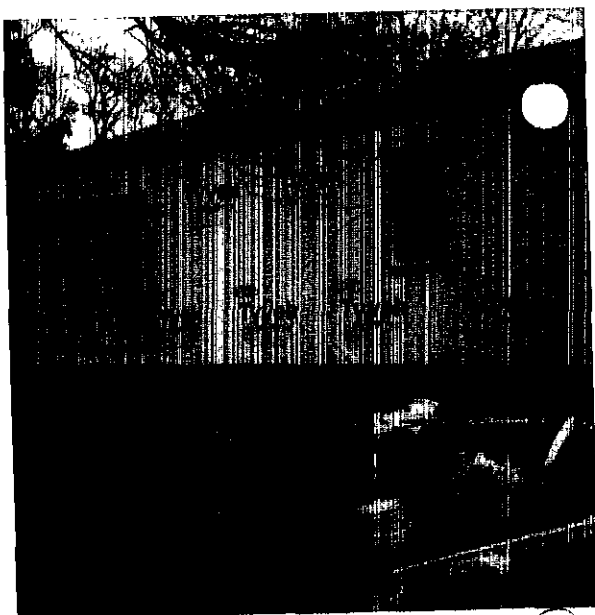
SCHOOL

D.R. 5.5

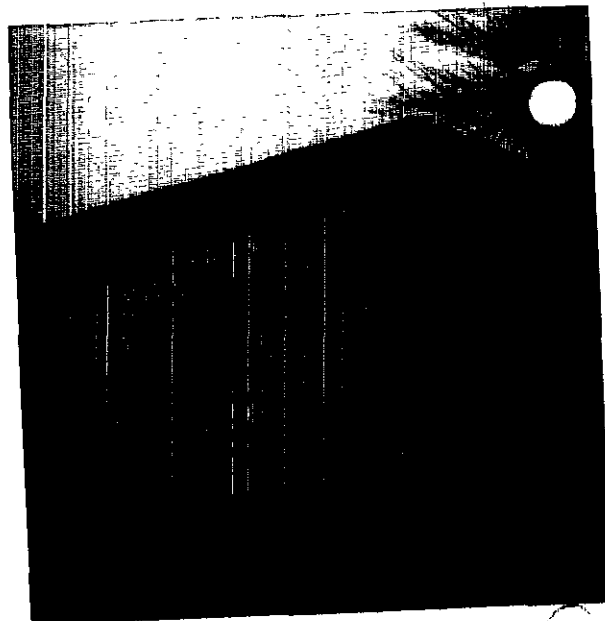
AVENUE

SE 3 E

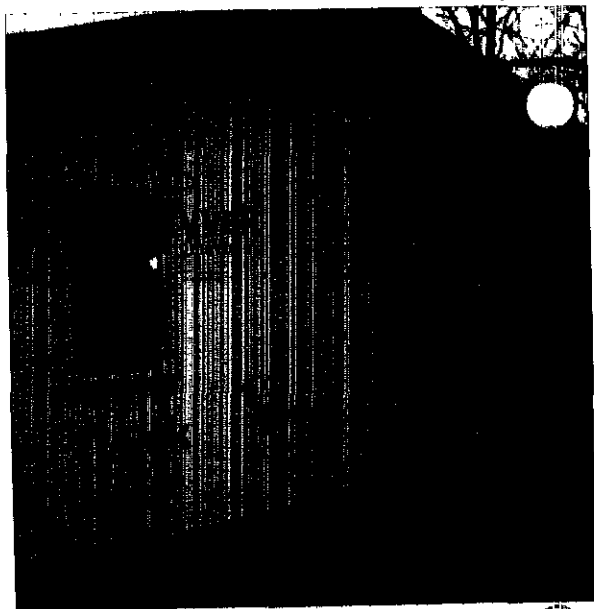
#243



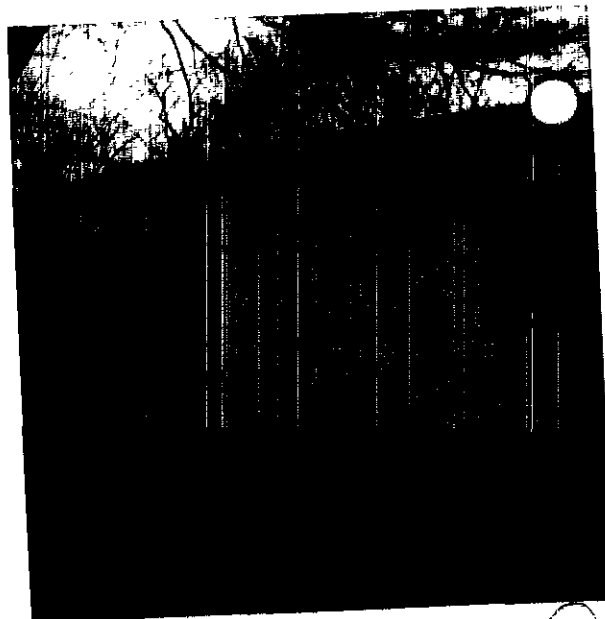
243



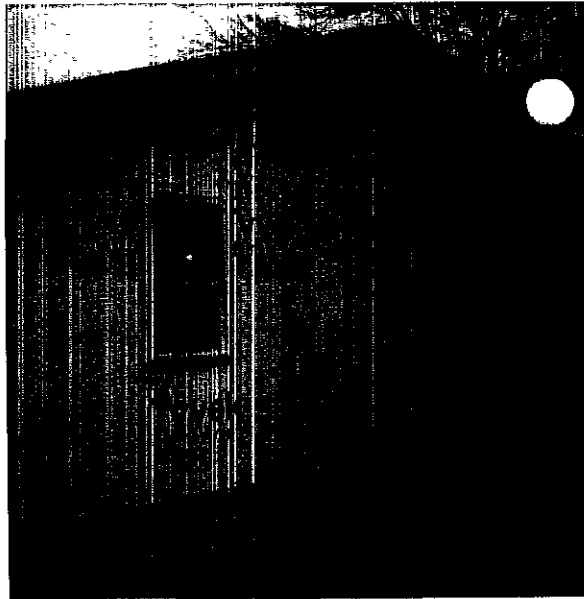
243



243



243



243